

BOARD OF DIRECTORS – ACTION SUMMARY

Wednesday, April 27, 2005 – 6:00 p.m.

**Administration Building
2101 Hurley Way, Sacramento, CA**

CALL TO ORDER

The meeting was called to order by President Granados. Board Members present: Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley. Staff: Fire Chief Martinez, General Counsel Price, Board Clerk Tilson.

PLEDGE TO FLAG

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA

AWARDS – (Hartley)

1. Civilian Award—Life Saving Commendation—Jason Irby

Assistant Chief Hartley presented an overview of the life saving incident. Mr. Irby while driving down Watt Avenue early in the morning observed a car crash into a tree and burst into flames. He stopped and freed the trapped passenger by using a pocketknife to cut her seatbelt and pulled her from the car to safety. The driver who was so tightly trapped in the vehicle died before being rescued and was extricated with hydraulic rescue tools. The on-duty crew of E106 A-shift witnessed the rescue of the passenger.

Fire Chief Martinez presented a Life Saving Commendation plaque to Jason Irby in recognition of his heroic actions performed on January 30, 2005 for rescuing a woman passenger from a crushed and burning vehicle as well as attempting to rescue the trapped driver.

- A host of family and friends were present on behalf of the recipient.

CONSENT AGENDA:

1. Board Meeting Action Summary—April 13, 2005

- **Board Action:**
Goold/Kelly—approve Consent Agenda. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

ACTION ITEM(S)**1. Election – Special District Commissioner (Office No. 7);
Election – Alternate Special District Commissioner (Office No. 6 & 7) –
Sacramento Local Agency Formation Commission (LAFCo)—(Granados)****• Board Action:**

Kelly/Jones—elect Elliott Mulberg as Special District Commissioner on LAFCo. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

• Board Action:

Duveneck/Goold—elect Gay Jones as Alternate Special District Commissioner on LAFCo. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

2. Bid Award—Type I Engine—(Ritter)

- The District solicited bids from seven fire apparatus builders for three (3) Type I Engines. A total of one bid was received as follows:

<u>Dealer</u>	<u>Price</u>	<u>Tax</u>	<u>Total Price</u>
Golden State Fire- Pierce	\$349,268.36	\$27,068.30	\$376,336.66

The price includes a \$15,452 discount per engine for pre-payment of the contract at time of order. All of our pre-payment money is protected by a performance bond. Total price for the contract is \$1,129,009.98 including tax and prepayment discounts.

- Fleet Manager Wasina enumerated various issues accounting for the lack of responses to include among other things the requirement for a five-year renewable contract; independent front suspension offered by Pierce, available to other manufacturers if they choose to install it, with larger brakes which is a safety issue and adds four to five times more brake life and stops 60% shorter than those currently purchased; California now requires additional licensing for fire truck manufacturers; District requires a single source vendor and a local service and warranty facility. Noted this bid remains as competitive as in the past.
- Staff recommends the District purchase the three (3) Type I Engines from Golden State Fire Apparatus.
- **Board Action:**
Goold/Duveneck—approve staff recommendation. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

3. Establishment of Holiday Leave Bank for the Fire Chief—(Martinez)

- Currently has annual leave and holidays but his contract does not distinguish annual leave from holiday leave. This request will reconfigure existing earned holidays into hours as opposed to days, allowing sell back of Holiday Leave and such sell back to be reportable in the total compensation for the PERS retirement calculation consistent with all other safety employees.
- Recommended establishment of a Holiday Leave Bank consistent with the Fire Chief's current holiday leave benefit, thereby allowing the Fire Chief to sell back holiday leave consistent with all other safety employees.
- Contract has not been renegotiated since year 2000 except for the salary change.

Director Trujillo referred to special comparables used for the Fire Chief commensurate with his type of work versus those for Local 522 safety personnel.

- **Board Action:**
Valley/Lawson—approve staff recommendation. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Valley, AYE. Director Trujillo, NO. Motion carried by 8-1 vote.

**4. Addition of Limited Term Assistant Chief
Consistent With Past Practice—(Martinez)**

- Assistant Chief Dan Haverty has been serving under contract with the California Military Department: Homeland Security Exercise and Evaluation Program since September 8, 2003. Chief Haverty was requested by the California Military Department to develop the Exercise and Evaluation Program as part of the State of California's Homeland Security structure. Due to his success and the relationship developed between the Military Department and Metro Fire, the Military Department has requested that Chief Haverty's replacement come from Metro Fire.
- The contract for service provides full reimbursement to the District for the salary and benefits of the employee(s) involved. As a part of the District's past practice with such contracts, the addition of limited term positions have been added to the Personnel Authorization Document. Since this position has existed since September 2003, it is important that the promotions resulting from this assignment be made from the promotional list in effect at the time of the establishment of the position. Upon termination of the contract with the California Military Department, this position would be eliminated through attrition.

- Assistant Chief Haverty is in the process of returning to the District and Battalion Chief Jim Woodward was selected by the National Guard as his replacement and currently is working in this position. The Guard prefers an Assistant Chief because it is an exempt position.
- Discussion on timeliness issue to promote from the current list, which expires June 30, 2005.

A need for more information was expressed.

- Staff recommends the Fire Chief be directed to add one (1) Assistant Chief to the Personnel Authorization Document and make the appropriate promotions consistent with the Labor Agreements.
- **Board Action:**
Trujillo/Lawson—motion to table. Directors Engellenner, Kelly, Lawson, Trujillo, Granados, AYE. Duveneck, Goold, Jones, Valley, NO. Motion carried by 5-4 vote.
- Further discussion included the number of Assistant Chief positions; ability to retest for the Promotional List.
- **Board Action:**
Jones/Valley—motion to remove from the table. Directors Duveneck, Goold, Jones, Valley, AYE. Engellenner, Granados, Kelly, Lawson, Trujillo, NO. Motion fails by 5-4 vote.
- Karen Klinger, Arden Park resident, spoke in support of allowing people who have already taken the test to move up in a position.

5. Chief Deputy Fire Chief Job Description—(Means)

- At the April 13, 2005 Policy Committee meeting, staff was requested to survey other jurisdictions on a second in command position with a like governance model as Metro Fire.

Jurisdictions used as comparables for the contract did not have this position; looked at seven other jurisdictions including the smallest with 400 and L.A. County, the largest with 2,736 members. There is no other jurisdiction that has an organizational chart with a Fire Chief and an established second in command. L.A. County with 2,736 members has two Chief Deputies but the Fire Chief still designates, on an individual basis, who the second in command is when absent so it does not accomplish what this Board is trying to do.

Staff can put together a job description for the Board; however, answers to a number of questions are needed to determine the Board's position.

- Rationale for creation of the job description was discussed.

President Granados stated this is one of our adopted Strategic Objectives for the year and just trying to come up with some resolution as to a different type of position.

Various viewpoints were expressed on methodology for identifying a second in command individual to be responsible for the District in the event of an unforeseen occurrence.

Fire Chief Martinez stated a job description can be brought back once the questions are answered on minimum qualifications for the position, both education and experience; internal candidate or open; reporting relationship and appointment process. It is appropriate for the Fire Chief to appoint if the position is responsible to the Fire Chief; otherwise, the Board should appoint if it is a desire of the majority of the Board that this be a successor position.

- President Granados stated the sole issue is to decide if we want to create a job description.
- Recommended this item be postponed. Director Engellenner has an item on the Closed Session and needs to depart.
- **Board Action:**
General consensus to table to the next meeting.

RECESS TO CLOSED SESSION 8:00 PM

RECONVENE TO OPEN SESSION 8:07 PM

Report by General Counsel Price:

1. PERSONNEL MATTERS

Pursuant to California Government Code Section 54957

Communications Center Manager

The Board provided direction to the District's Communications Center representative. No action was taken.

ACTION ITEM(S)**5. Chief Deputy Fire Chief Job Description—(Means)**

(Continued)

Public Comment

Karen Klinger expressed concern with the Board's ability to move forward with the vision for Metro Fire District stating you can only have one Chief and one boss. Voiced criticism of union backing for Board members and questioned if the five would rather have the unions run Metro Fire or the Fire Chief.

Brian Rice, President of Local 522, resident and District employee, stated among other things, that the local supported every elected official up here at one point or another; the Union has a right to be politically active and chooses to exercise that right; knows for a fact this Board is not trying to get rid of the Fire Chief; life is better because there are people that represent working men and women and their wages, hours, working conditions, and health and safety; our Fire Chief currently is a proud member of Local 522 along with many of the Chief Officers. Encouraged coming to more meetings which occur twice a month before formulating an opinion.

PRESENTATION ITEM (S)**1. Rio Linda-Elverta Historical Society Discussion
on Future of Fire Station 111—(Engellenner/Mitchell)**

[Taken out of order prior to the Action Items]

- Director Engellenner introduced Roger Mitchell, spokesperson for the Rio Linda-Elverta Historical Society.
- Mr. Mitchell provided background history of their endeavor to preserve the history of the Rio Linda and Elverta Fire Districts. Requested the Board give consideration to turning over Station 111 when vacated to Sacramento County to house antique fire trucks and other historical items, and a Metro Fire historical display if desired.
- Letters of support were received from Frank Porter, Superintendent of the Rio Linda Union School District; Roger Dickinson, Chair of Sacramento County Board of Supervisors; and Ron Suter, Director of the Sacramento County Department of Regional Parks, Recreation and Open Space.

A host of supporters in the audience were also introduced.

- Fire Chief Martinez stated he is in support of the request but it is a Board decision to declare the property surplus when vacated and/or donate.

- **Board Action:**
General consensus that the Fire Chief craft a Resolution in support of the concept of the request and bring it back to the Board for adoption.
- Policy Committee will consider a process/practice to deal with disposition of surplus property.
- In response to Director Kelly, Fire Chief Martinez stated the property would be appraised.

PRESIDENT'S REPORT—(Granados)

- April 16, 2005 – Groundbreaking ceremony for Stations 32 and 107 – stuck a shovel in the dirt twice. Thanked Barbara Safford for her help; Roberta MacGlashan and Roger Niello for their attendance.
- Reported on a second selling period for fireworks to fund a disposal fee for confiscated illegal fireworks. Concern with local government being tasked with the disposal at about \$10.50 per pound, excluding the packaging and about \$6,500 a truck to transport to a disposal site. This is not something we want to take on and Fire Marshal Dobson will be working on this issue.

FIRE CHIEF'S REPORT—(Fire Chief Martinez)

- Thanked the staff for their work on the groundbreaking: Chuck Horel, Barbara Safford, Steve Turner, Jim Hartley, Michelle Cummings, as well as members of our Logistics Division.
- Attended the California Fire Mechanics Association Academy jointly hosted by the State Fire Mechanics Association, Metro Fire, U. S. Forest Service, and American River College. Commended Rich Wasina and the fleet staff, Jim Ritter. At their annual banquet, Metro Fire received considerable recognition.

GENERAL COUNSEL'S REPORT—(Price) None**COMMITTEE AND DELEGATE REPORTS:****Executive Committee—(Granados)**

- April 27, 2005 – immediately following the Regular Board Meeting.

Communications Center Delegate—(Engellenner)

- In between a Communications Center Manager again. Will be promoting from within. Attorney is drawing up the contract.
- Next meeting: May 31, 2005 – 10:30 AM

California Fire & Rescue Training Authority—(Goold)

- Next meeting: TBA

Finance Committee—(Jones)

- Report presented on tonight's meeting. Comments on the preliminary budget to be forwarded to Finance Director Houghton or Director Jones.
- Next meeting: May 25, 2005 – 5:00 p.m.

Policy Committee—(Trujillo)

- Next meeting: May 11, 2005 – 5:00 p.m.

Director Engellenner departed.

BOARD MEMBER QUESTIONS AND COMMENTS:**Duveneck:**

- Commended Chuck Horel and others for their work on the “turning of the shovel” for Station 107. Community turnout was outstanding.
- Requested broadcast of Board meetings on cable TV be placed on the next agenda.
- Referenced article in the Sac Bee stating the Chief was ordered back from Washington, D.C. for a Closed Session meeting which was cancelled. Questioned the line of authority to direct the Fire Chief.

President Granados stated he and Fire Chief Martinez discussed this and came to an agreement on the issue.

- Expressed concern with the Wages and Benefits budget going up 30% with a revenue increase of only 20%.

Goold:

- Suggested inviting young community groups to lead us in the Pledge of Allegiance.
- Challenged the Board to get back on track and move forward on serious long-term issues.

Kelly:

- Invited those concerned about whether his vote is controlled by a specific entity to contact him by calling Board Clerk Tilson to speak with him and he will be happy to discuss at length the reasons for his decisions.
- Enjoyed the Cap-to-Cap trip.

- Thanked Assistant Chief Dan Haverty for being a shining example of the finest Sacramento Metro Fire has to offer in personnel and for his sacrifices.
- May 14, 2005 is National Letter Carrier Food Drive. Invited everyone to place a large bag of groceries next to their mailbox for pickup by the letter carriers. He will be at the Royal Oaks post office loading up the food closet trucks.
- He felt privileged to be a part of the groundbreakings.

Jones:

- Encouraged moving forward with Board meetings on cable TV.

Trujillo:

- Acknowledged Assistant Chief Haverty for his personal sacrifice.
- Opportunity to ride along with Station 106 personnel in the rescue of a deer in the wastewater treatment plant in Carmichael. Animal Control tranquilized the deer and placed it in a harness for lifting. Captain Monahan was down below and the deer fell out of the sling and he caught it. Good job.
- Requested Assistant Chief Hartley report on the personnel on duty when the rescue of the citizen occurred, with a further report from the Captain.
- He is proud of his endorsement by the Firefighters who have an outstanding state-of-the art apprenticeship that teaches their men and women how to do the job of saving people's lives and putting the fires out.
- Received a letter in his packet from Ross Davidson regarding concern about the Sacramento Metro Board of Directors trying to fire Chief Martinez. Questioned where this information came from in the Sac Bee. Things like this keep the public sending letters like this but it is far from the truth. There is no intention by this Board to fire the Chief and the public needs to know that.

Lawson:

- Welcomed Assistant Chief Haverty back. Extended appreciation for his generous donation to Bishop Weigand.

- He was endorsed by the Firefighters as well as several community mayors and others. All nine Board members have a responsibility to our constituency, Metro Fire, and to ensure that every employee of Metro Fire and the citizens are protected. We do need to move forward and evaluate policies. Our commonality is to do what is in the best interest of Sac Metro. Not confused, just want more information to make a good decision.
- Thanked Director Kelly for being on the voluntary committee for the National Letter Carriers Food Drive. Invited others to come by on May 14.

Valley:

- It is wrong to blame the Union who are here to support their members. Board members have a right to vote as individuals and he respects their decisions even if he disagrees. We should not worry about criticism; just do the job the best we can.

Granados:

- Executive Committee meeting to follow tonight.
- Conducts discussions with the Fire Chief at least once a week and trying to resolve things in the best interest of the District. Consults with the Fire Chief and General Counsel. This is in accordance with the Board President's charter.

The Fire Chief's job description is being changed to meet the statutes on ADA and provide some clarification; not trying to get rid of the Chief.

- Does not agree that the cities will break off. There are no complaints on the service provided and we will continue.

Martinez:

- Addressed comments related to the article in the newspaper. He was most disturbed and it was at best unfortunate.
- As a point of clarification, he and Director Granados did consult with respect to coming back early from the Cap-to-Cap.
- Need to articulate in writing the expectations of the Fire Chief's job. A document will be handed out tonight at the Executive Committee meeting, with several attachments relative to the Fire Chief's job description. Just want to clarify my position and we all need to move on.

ADJOURNMENT – Meeting adjourned at 9:05 p.m.

Gregory A. Granados, President

Matt Kelly, Secretary

Charlotte Tilson, Clerk of the Board